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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**EYLUL REFIDE SIMSEK, on behalf of herself and all  
others similarly situated,**

**Plaintiffs,**

**11 CIV. 5393 (FB)(JMA)**

**-against-**

**NEW YORK STATE CATHOLIC HEALTH PLAN,  
INC. d/b/a FIDELIS CARE NEW YORK, MARK  
LANE, and PATRICK FRAWLEY,**

**Defendants.**

**NOTICE OF MOTION FOR PLAINTIFF'S MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiff's Motion for Final Approval of Class Action Settlement ("Motion for Final Approval"), in the Declaration of Brian S. Schaffer in Support of Plaintiff's Motion for Final Approval (the "Schaffer Declaration"), and the supporting exhibits attached thereto, Plaintiff respectfully requests that the Court enter an Order:

- (1) granting final approval of the Settlement Agreement and Release ("Settlement Agreement"), attached as **Exhibit A** to the Schaffer Declaration;
- (2) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

The Named Plaintiff and current and former employees of Fidelis who performed work as a Retention Field Representative from November 3, 2005 to April 1, 2013.

- (3) issuing final approval of the FLSA settlement;
- (4) approving a Service Award to the named Plaintiff, as outlined in the Settlement Agreement;
- (5) awarding Class Counsel's attorneys' fees and costs, as outlined in the Settlement Agreement;
- (6) approving Plaintiff's proposed final settlement procedure; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached as **Exhibit D** to the Schaffer Declaration, for the Court's convenience.

Dated: New York, New York  
January 28, 2014

Respectfully submitted,

/s/ Brian S. Schaffer

Brian S. Schaffer

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*Attorneys for Plaintiffs and  
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